

ARC Environmental Services

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September 2, 2021

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**BUREAU OF
STATISTICS AND PLANS**

Tyrone J. Taitano
Director
Bureau of Statistics and Plans
P.O. Box 2950
Hagatna, Guam 96932

**Subject: Proposed Seawall at Guam Fishermen's Cooperative Association
Facility – Hagatna**

Hafa Adai Mr. Taitano,

On behalf of my client, Mr. Manual Duenas President of the Guam Fishermen's Cooperative Association (CoOp) ARC Environmental Services is pleased to submit this application for a Federal Consistency Determination relative to the proposed seawall at the existing CoOp locations in Hagatna. Attached is a project Environmental Assessment.

In 2006 this project received Federal Consistency approval through the Coastal Zone Management program. After stalling for a number of years, the project proponent is now seeking to obtain all the relevant approvals for only the proposed seawall and corresponding dredging to address ongoing erosion and stability issues along the shore.

A corresponding application has been submitted to the US Army Corps of Engineers. A request to recertify (401 Water Quality Certification) the project was submitted to Guam EPA.

If there are any questions, please call me at 482-6088. Thank you for your time and consideration of this application.

Senseramente,



Joel Sablan
ARC Environmental Services

Attachments

CC: Manuel Duenas, President Guam Fishermen's Cooperative Association

GUAM COASTAL MANAGEMENT PROGRAM ASSESSMENT FORMAT

DEVELOPMENT POLICIES (DP):

DP1. Shore Area Development

Intent: To insure environmental and aesthetic compatibility of shore area land uses.

Policy: Only those uses shall be located within the Seashore Reserve which:

- enhance, are compatible with or do not generally detract from the surrounding coastal area's aesthetic and environmental quality and beach accessibility; or
- can demonstrate dependence on such a location and the lack of feasible alternative sites.

Discussion: The proposed seawall project is located at the west edge of the Gregorio D. Perez Marina (Figure 1) and involves constructing a sheet-pile and concrete capped structure to address shoreline erosion and stabilization issues. The proposal includes dredging in front of the seawall to achieve desired vessel draft depths (refer to Drawings attached). The proposed improvements are compatible with existing land use activities and are an important component of future plans to replace the deteriorated land-side facility resulting in the enhancement of the visual quality of the area.

Refer to Photographs in Attached.

DP2. Urban Development

Intent: To cluster high impact uses such that coherent community design, function, infrastructure support and environmental compatibility are assured.

Policy: Commercial, multi-family, industrial and resort-hotel zone uses and uses requiring high levels of support facilities shall be concentrated within urban districts as outlined on the Land Use Districting Map.

Discussion: The Gregorio D. Perez Marina is located in the Central Business District of Hagatna. Marina operations in general to include the Fisherman's CoOp activities, are compatible with existing land uses in the area and are an integral component of the Paseo De Susana Planned Development District Master Plan of 2003.

DP3. Rural Development

Intent: To provide a development pattern compatible with environmental and infrastructure support suitability and which can permit traditional lifestyle patterns to continue to the extent practicable.

Policy: Rural districts shall be designated in which only low density residential and agricultural uses will be acceptable. Minimum lot size for these uses should be one-half acre until adequate infrastructure including functional sewerage is provided.

Discussion: N/A, The proposed project is not located in a rural area of the island but rather in the central governmental and business district of Hagatna.

DP4. Major Facility Siting

- Intent: To include the national interest in analyzing the siting proposals for major utilities, fuel and transport facilities.
- Policy: In evaluating the consistency of proposed major facilities with the goals, policies, and standards of the Comprehensive Development and Coastal Management Plans, the Territory shall recognize the national interest in the siting of such facilities including those associated with electric power production and transmission, petroleum refining and transmission, port and air installations, solid waste disposal, sewage treatment, and major reservoir sites.
- Discussion: N/A, The proposed project does not constitute a major siting.

DP 5. Hazardous Areas

- Intent: Development in hazardous areas will be governed by the degree of hazard and the land use regulations.
- Policy: Identified hazardous lands, including flood plains, erosion-prone areas, air installations, crash and sound zones and major fault lines shall be developed only to the extent that such development does not pose unreasonable risks to the health, safety or welfare of the people of Guam, and complies with the land use regulations.
- Discussion: The proposed seawall is aimed at addressing erosion through shoreline stabilization measures and is designed to meet Federal regulations for development in floodplains. These improvements will not pose a risk to community health, safety or welfare. Shoreline stabilization measures will reduce the risk of further shoreline erosion along the eastern edge of the marina adjacent to the current CoOp facility. The proposed project is consistent with local land use regulations, specifically the Paseo De Susana Planned Development District Master Plan of 2003 which includes specific reference to the "redevelopment" of the CoOp facilities.

DP 6. Housing

- Intent: To promote efficient community design placed where the resources can support it.
- Policy: The government shall encourage efficient design of residential areas, restrict such development in areas highly susceptible to natural and manmade hazards, and recognize the limitations of the island's resources to support historical patterns of residential development.
- Discussion: N/A, The proposed project does not include a residential component nor will it impact existing residential development patterns.

DP 7. Transportation

- Intent: To provide transportation systems while protecting potentially impacted resources.
- Policy: The Territory shall develop an efficient and safe transportation system, while limiting adverse environmental impacts on primary aquifers, beaches, estuaries and other coastal resources.
- Discussion: The proposed project will not impact existing highway or air transportation systems. Vessel traffic at the marina will not be impacted. No adverse impacts to primary aquifers, beaches, estuaries or other coastal areas are anticipated. Proposed shoreline stabilization will improve the condition of the shoreline adjacent to the CoOp facility which has experienced accelerated erosion from recent storm events. Maintenance dredging of areas within the marina fronting the seawall will improve vessel access and mooring capabilities.

DP 8. Erosion and Siltation

- Intent:** To control development where erosion and siltation damage is likely to occur.
- Policy:** Development shall be limited in areas of 15% or greater slope by requiring strict compliance with erosion, sedimentation, and land use districting guidelines, as well as other related land use standards for such areas.
- Discussion:** The project location is flat. Marine water within the marina and entrance channel is designated M-3 or fair and is intended for general commercial and industrial use according to the Guam Water Quality Standards. Shoreline stabilization (appx. 150LF) is being proposed to address historical erosion along the shoreline. Activities to develop the seawall will be conducted using appropriate Best Management Practices (BMPs) as are normally contained within the required project Environmental Protection Plan and 401 Water Quality Certification and ACOE approvals.

RESOURCES POLICIES (RP):

RP1. Air Quality

- Intent:** To control activities to insure good air quality.
- Policy:** All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality.
- Discussion:** Increased emissions during the short term construction period will be mitigated through adherence to engine and exhaust system maintenance requirements for all fuel combustion sources. Any potential fugitive dust emissions will need to be addressed through periodic sprinkling.

RP2. Water Quality

- Intent:** To control activities that may degrade Guam's drinking, recreational, and ecologically sensitive waters.
- Policy:** Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef and aquifer areas.
- Discussion:** The proposed project will not impact aquifer areas. Marine water within the marina and entrance channel is designated M-3 or fair and is intended for general commercial and industrial use according to the Guam Water Quality Standards. Shoreline stabilization (appx. 150LF) is being proposed to address historical erosion along the shoreline. Activities to develop the shoreline stabilization feature, the vessel mooring dock and associated maintenance dredging will be conducted using appropriate Best Management Practices, as contained in the required Environmental Protection Plan to minimize erosion and siltation.

RP3. Fragile Areas

- Intent: To protect significant cultural areas, and natural marine and terrestrial wildlife and plant habitats.
- Policy: Development in the following types of fragile areas shall be regulated to protect their unique character.
- historical and archeological sites
 - wildlife habitats
 - pristine marine and terrestrial communities
 - limestone forests
 - mangrove stands and other wetlands

Discussion: The proposed project location is within an existing urban environment. There are no significant or fragile terrestrial or marine resources present in the project vicinity.

A WWII Japanese Pillbox is located on the shoreline north of the existing CoOp facility. This fortification (200 Ft NE of end of seawall) is listed in the Guam Historic Properties Inventory and included in the Guam and National register of Historic Places. This feature will not be disturbed as a temporary barrier will be established to clearly identify the feature. Close consultation is planned through correspondence, now being prepared, to ensure project compliance with the Historic Resources Division (HRD) of the Department of Parks and Recreation (DPR) requirements.

RP4. Living Marine Resources

- Intent: To protect marine resources in Guam's waters.
- Policy: All living resources within the territorial waters of Guam, particularly corals and fish, shall be protected from over harvesting and, in the case of marine mammals, from any taking whatsoever.
- Discussion: N/A. No harvesting of or marketing of coral or marine mammals will occur during the construction of the proposed seawall. Maintenance dredging to the edge of the seawall will be conducted in an area used for marina purposes and previously dredged to create the existing entrance channel. No significant impacts will occur to essential fish habitat and no Federally listed corals are anticipated to be present.

RP5. Visual Quality

- Intent: To protect the quality of Guam's natural scenic beauty
- Policy: Preservation and enhancement of, and respect for the island's scenic resources shall be encouraged through increased enforcement of and compliance with sign, litter, zoning, subdivision, building and related land-use laws. Visually objectionable uses shall be located to the maximum extent practicable so as not to degrade significant views from scenic overlooks, highways and trails.
- Discussion: The proposed seawall will convert the existing tree-lined shoreline to a sheet pile seawall with concrete cap. This shoreline has undergone emergency patchwork stabilization over the years. Stabilization of this shoreline will allow future plans for a CoOp reconstruction resulting enhancement of the visual quality of the general area.

RP6. Recreation Areas

- Intent:** To encourage environmentally compatible recreational development.
- Policy:** The Government of Guam shall encourage development of varied types of recreational facilities located and maintained so as to be compatible with the surrounding environment and land uses, adequately serve community centers and urban areas and protect beaches and such passive recreational areas as wildlife and marine conservation areas, scenic overlooks, parks and historical sites.
- Discussion:** The proposed seawall will extend along the existing shoreline. It is anticipated that the seawall will compliment activities throughout the area by increasing access, preserving and eventually enhancing CoOp activities and overall interest in the Paseo de Susana benefiting the existing Chamorro Village operations.

Currently the islands paddling and traditional seafaring communities use a portion of the acre north of the existing CoOp property. The area is used to launch and retrieve canoes and kayaks and the wooden shelter is used for gatherings. The PL 27-24 stipulates that the CoOp facility improvements not impede public access to the shoreline except when necessary for public safety and security and for use of proposed docking or wharf improvements.

Access to the shoreline will be enhanced.

RP7. Public Access

- Intent:** To ensure the right of public access.
- Policy:** The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Territorial recreation areas, parks, scenic overlooks, designated conservation areas and their public lands; and agreements shall be encouraged with the owners of private and federal property for the provision of releasable access to and use of resources of public nature located on such land.
- Discussion:** Public access to the shoreline will e enhanced and areas to the north used by the paddling/seafaring community will not be impacted. Access to the Japanese Pillbox will be preserved.

RP8. Agricultural Lands

- Intent:** To stop urban types of development on agricultural land.
- Policy:** Critical agricultural land shall be preserved and maintained for agricultural use.
- Discussion:** N/A, The proposed project is not located on or near agricultural land.

**FEDERAL CONSISTENCY
SUPPLEMENTAL INFORMATION FORM
Date: April 6, 2016**

Project/Activity Title or Description: **Proposed Seawall - Guam Fisherman's Cooperative Association Facility**
Location: **Gregorio D. Perez Marina in Hagatna**

Other applicable area(s) affected, if appropriate: **N/A**

Est. Start Date: **Spring 2021** Est. Duration: **Appx. 4 months**

APPLICANT

Name & Title: **Mr. Manual Duenas, President**
Agency/Organization: **Guam Fisherman's Cooperative Association**
Address: **P.O. Box 24023 GMF Barrigada, Guam 96921**

Telephone No. during business hours:

A/C (671) 472.6323
Fax (671) 477-2986

AGENT

Name & Title: **Joel Sablan**
Agency/Organization: **ARC Environmental Services**
Address: **P.O. Box 12331 Tamuning, Guam 96931**
Telephone No. during business hours:
A/C (671) 482-6088
Fax None Email: jsablan@arcguam.com

CATEGORY OF APPLICATION (check one only)

- ☐ I Federal Agency Activity
- ☒ II Permit or License
- ☐ III Grants & Assistance

TYPE OF STATEMENT (check one only)

- ☒ Consistency
- ☐ General Consistency (Category I only)
- ☐ Negative Determination (Category I only)
- ☐ Non-Consistency (Category I only)

APPROVING FEDERAL AGENCY (Categories II & III only)

Agency: **U.S. Army Corps of Engineers (ACOE)**
Contact Person: **Mr. Albert Williams**

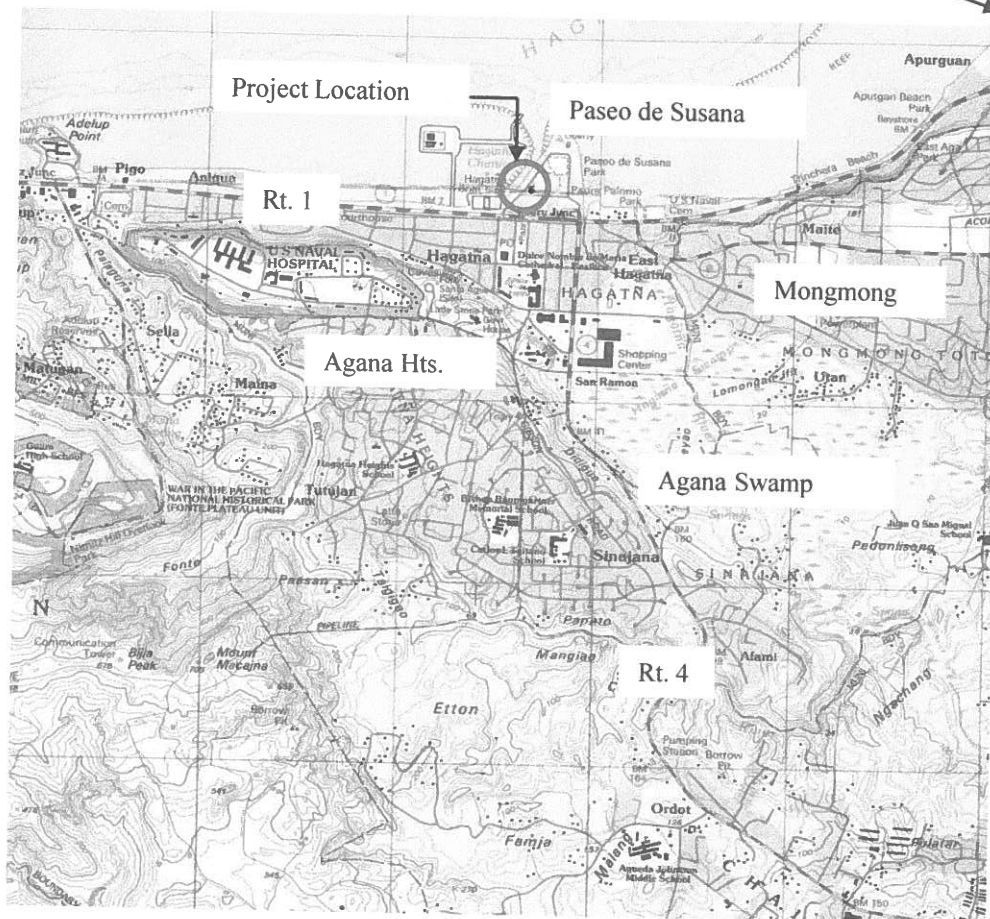
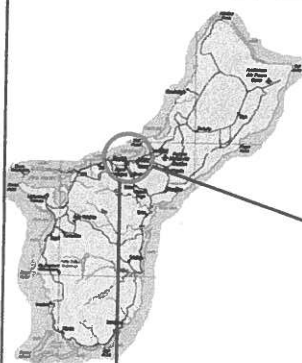
Telephone No. during business hours:
A/C (671) 339-2108
A/C ()

FEDERAL AUTHORITY FOR ACTIVITY

Title of Law: Section 10 Rivers and Harbors Act and Section 404 Clean Water Act
Section: (33 U.S.C. 403) and (33 U.S.C. 1344) respectively

OTHER TERRITORIAL APPROVALS REQUIRED

Agency	Type of Approval	Date of Application	Status
Guam EPA	Section 401 Water Quality Cert.	Pending response to recertification request	
USACOE	Department of the Army Permit	September 1, 2021	Under Review



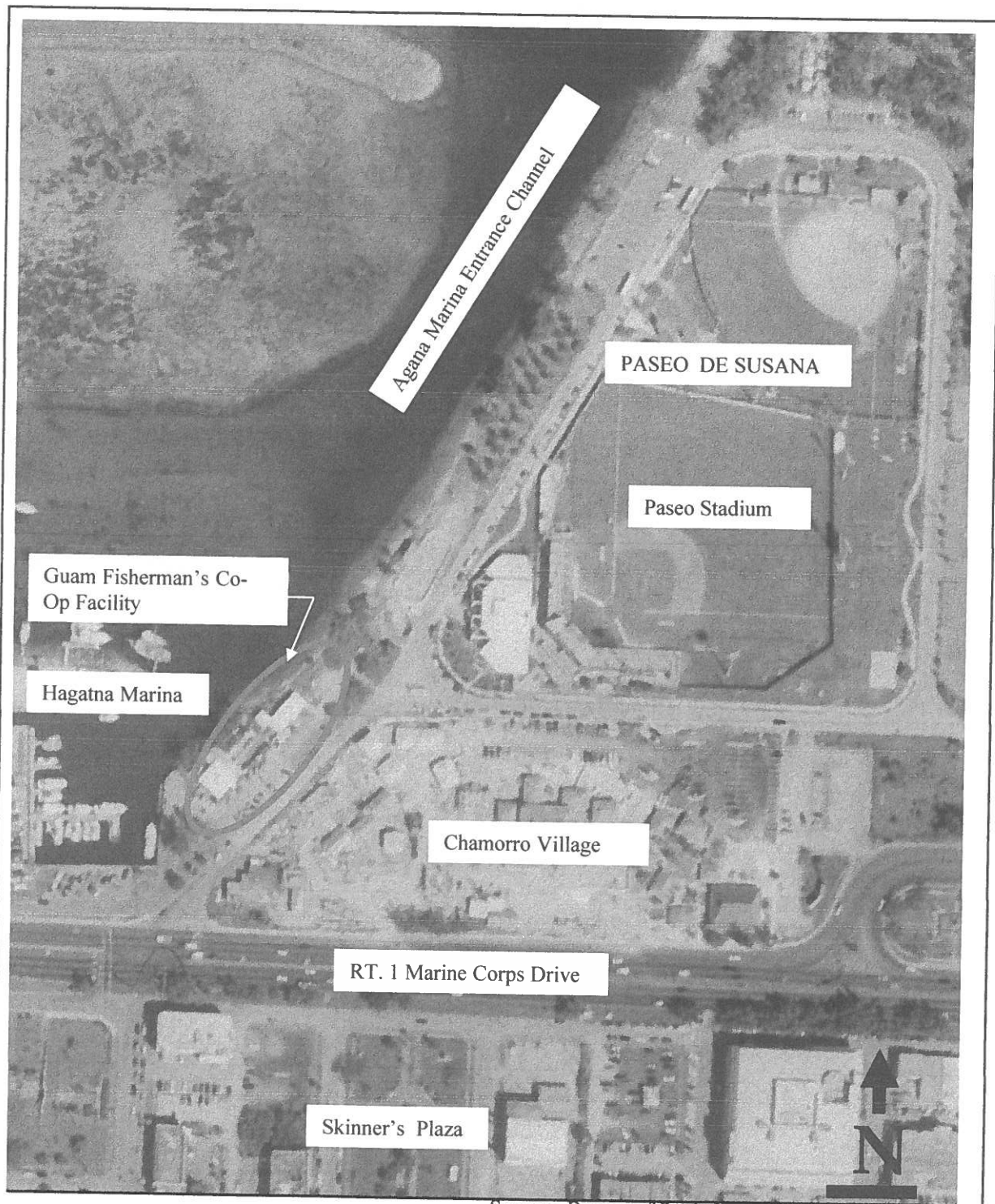
Guam Fisherman's Co-Op Project Location/Vicinity Map

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Date
August 2021

Figure No.
1



Source: Bureau of Statistics and Plans 1994

Guam Fisherman's Co-Op Seawall Project Surrounding Land Use

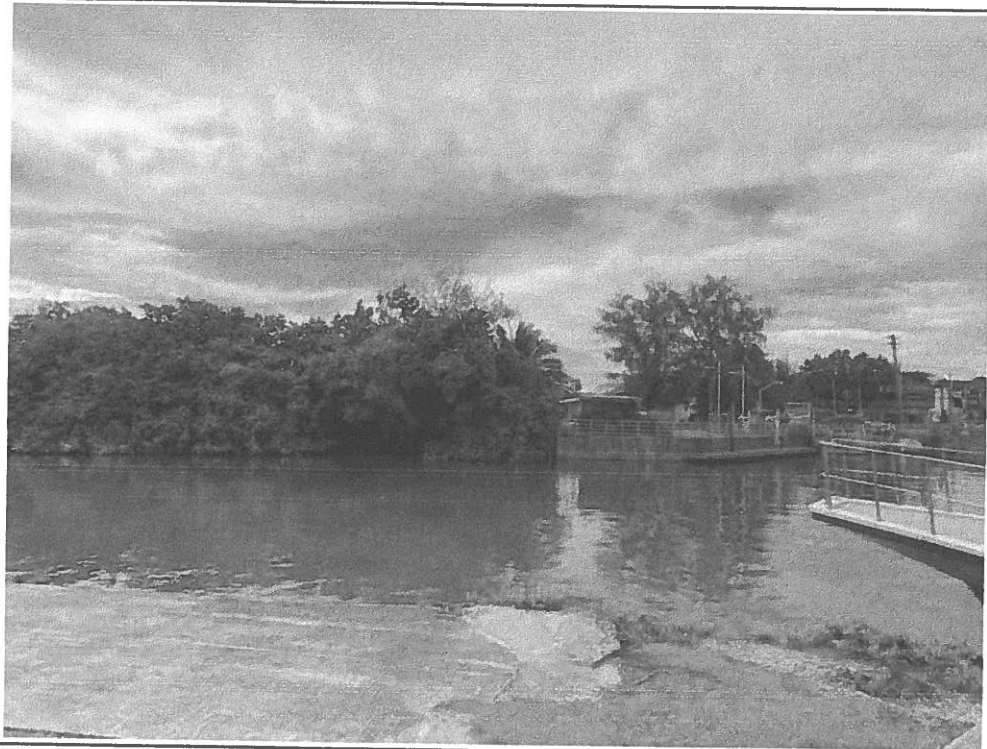
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Date

Figure No.

2

1A



1B



1A: View of Co-Op shoreline frontage from the west at the finger pier.
1B: View from the same position panning to the north showing forested area, appx. 150 ft of which would be replaced by the seawall.

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Date
August 2021

Photo Plate
1

2A



2B



2A: Northern limit of existing concrete seawall and starting point of proposed sheet pile seawall.

2B: temporary boulder erosion control.

Date
August 2021

Photo Plate
2

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3A



3B



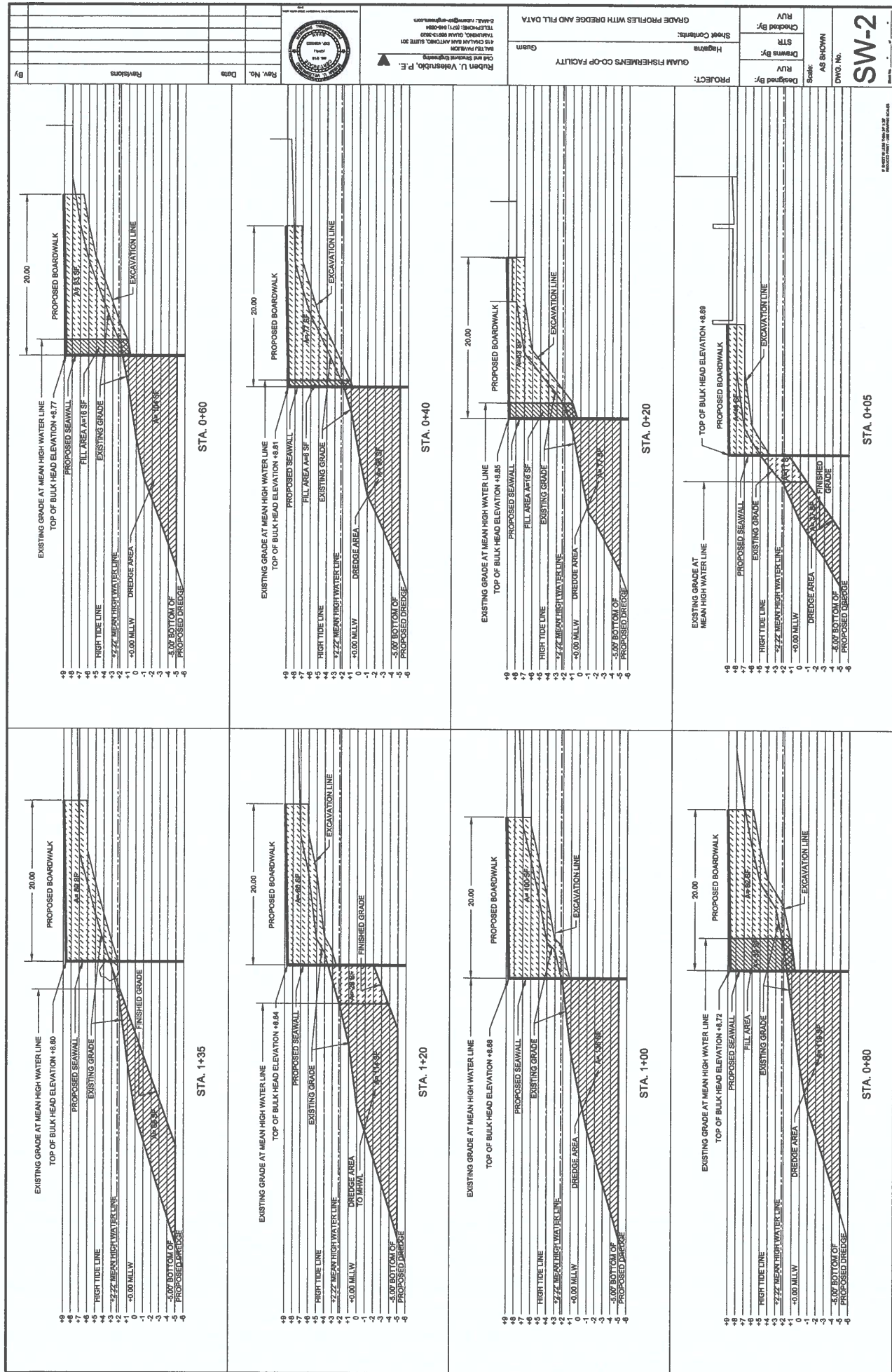
3A: Current fish off loading area, fuel pumps and weigh station.

3B: View of the tree lined shoreline along the marina entrance channel from the north.

Date
August 2021

Photo Plate
3

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Tyrone J. Taitano
Director
Bureau of Statistics and Plans
P.O. Box 2950
Hagatna, Guam 96932

**Subject: Consistency Statement - Guam Fisherman's Cooperative
Association Proposed Seawall**

Hafa Adai Mr. Taitano,

The Guam Fisherman's Cooperative Association is proposing the construction of a seawall in front of the existing CoOp facility to address erosion and stabilization issues. A Federal Consistency application has been developed for this project and will be submitted shortly.

After a careful evaluation of the project goals and the potential impacts that it may imply, we have come to the determination that the project as proposed is consistent with and will be conducted (or supported) in a manner consistent with the Guam Coastal Management Program to the maximum extent practicable.

If there are any questions, please call me at 482-6088. Thank you for your time and consideration of this application.

Senseramente,



Joel Sablan
ARC Environmental Services Inc.